

Appendix A:

San Ramon City Council Resolution

No. 99-96 | Initiative Ordinance

Measure G

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RESOLUTION NO. 99-96

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAMON SUBMITTING AN INITIATIVE MEASURE TO THE VOTERS AT THE NOVEMBER 2, 1999, REGULAR MUNICIPAL ELECTION ESTABLISHING A TWO YEAR MORATORIUM ON AMENDMENTS TO THE GENERAL PLAN OR ZONING ORDINANCE, PROVIDING FOR A GENERAL PLAN REVIEW COMMISSION OF AT LEAST TWENTY-ONE SAN RAMON RESIDENTS TO RECOMMEND A NEW GENERAL PLAN, AND REQUIRING VOTER APPROVAL OF THE NEW GENERAL PLAN

WHEREAS, On July 13, 1999, the City Council directed the City Attorney to prepare an initiative measure for submittal to the voters at the regular municipal election on November 2, 1999; and

WHEREAS, the intent of the Council in directing preparation of the initiative measure was to establish a moratorium for a period of two years on amendments to the General Plan or Zoning Ordinance while a commission of San Ramon residents developed recommendations for a new General Plan to be submitted to the voters for approval; and

WHEREAS, on July 27, 1999, the City Council considered the initiative measure prepared by the City Attorney and heard public testimony on the proposal.

NOW, THEREFORE, BE IT RESOLVED:

- I. That, acting under authority of Elections Code §9222, the City Council submits to the voters at a regular municipal election on November 2, 1999, the following proposition to appear on the ballot as follows:

Shall the people of the City of San Ramon adopt an initiative ordinance:

1. Establishing a two year moratorium on amendments to the General Plan or Zoning Ordinance, and
2. Providing for the establishment of a General Plan Review Commission, consisting of at least 21 representatives of the community, to include, but not be limited to, individual residents of San Ramon at large and resident representatives from the business community, homeowners associations and environmental organizations, to draft during the moratorium for submission to the voters:

- A. A new general plan, taking into consideration the creation of urban growth boundaries to encourage smart growth within the urban growth boundary by promoting infill development and discouraging urban sprawl by providing mixed use of commercial, retail, education, recreation and housing, and
- B. To develop a plan for the acquisition of ridgeline areas and agricultural lands, contiguous to the City of San Ramon, to be preserved for open space purposes in perpetuity.
- II. That, pursuant to applicable provisions of the Elections Code, the City Council requests the Board of Supervisors of the County of Contra Costa and the County elections official to include the above proposition on the ballot at the regular municipal election on November 2, 1999, and authorizes the Board to canvass the returns of the election.
- III. That, the City Clerk is instructed to file copies of this resolution with the Board of Supervisors and with the appropriate election officials and to take such further actions as may be necessary under the Elections Code or as may be requested by county election officials in connection with the regular municipal election.
- IV. That, the City Attorney is directed to prepare an impartial analysis of the initiative measure as provided for under Elections Code §9280.
- V. That, the county election official is requested to print the full text of the initiative measure (Exhibit "A" to this

Resolution) as a part of the official election materials submitted to the voters.

PASSED, APPROVED, AND ADOPTED at the meeting of July 27, 1999 by the following votes:

AYES: Councilmembers Hudson, Kinney, Welm and Mayor Athan

NOES: Councilmember Raab

ABSENT: N/A

ABSTAIN: Byron D. Athan, Mayor

ATTEST: Judy Macfarlane, City Clerk

AN INITIATIVE ORDINANCE ESTABLISHING A TWO YEAR MORATORIUM ON AMENDMENTS TO THE GENERAL PLAN OR ZONING ORDINANCE, PROVIDING FOR A GENERAL PLAN REVIEW COMMISSION OF AT LEAST TWENTY-ONE SAN RAMON RESIDENTS TO RECOMMEND A NEW GENERAL PLAN, AND REQUIRING VOTER APPROVAL OF THE NEW GENERAL PLAN

The People of the City of San Ramon do ordain as follows::

Section 1. Intent.

An "Initiative Measure Amending the General Plan and Requiring Voter Approval of Various Land Use Decisions",

commonly known as the CAPP Initiative has qualified for the ballot at the November 2, 1999 regular municipal election. Under the CAPP Initiative certain amendments to the existing General Plan and specified land use approvals must be submitted to the voters on a case by case basis for approval prior to becoming effective. The City Council believes that a more comprehensive and fundamental method for allowing direct voter involvement in the planning process is to establish a broad based commission of San Ramon residents to recommend a new General Plan. The new General Plan would be submitted to the voters and would not become effective unless approved by the voters.

Section 2. Findings.

- A. Voter approval of the General Plan will add credibility and strength to the document which serves as a blueprint for future growth and development of the City.
- B. The maximum two year moratorium provided for hereunder is necessary because ongoing amendment of the General Plan or Zoning Ordinance could allow uses in conflict with or otherwise conflict with any new General Plan adopted following the procedures established by this initiative ordinance.
- C. The existing General Plan is legally sufficient and adequate to allow orderly development of the City and to assure that no property owner is denied economic use of his or her property for the two year period during which neither the General Plan or Zoning Ordinance may be amended.
- D. The subject matter of this initiative ordinance is deemed to be a municipal affair. As such, authority for adoption

of the ordinance is derived from Article I of the Charter of the City of San Ramon. Additionally, separate and independent authority for the two-year moratorium provision of this ordinance is found in Government Code Section 65858.

Section 3. Establishment of General Plan Review Commission.

Within sixty (60) days following the effective date of this initiative ordinance the City Council shall appoint a broad based commission of no less than twenty-one residents of San Ramon. The membership of this commission shall be representative of the community and shall include, but not be limited to representatives from the business community, homeowners associations, environmental organizations and individual residents of San Ramon at large.

Section 4. Task of Commission.

The General Plan Review Commission appointed by the City Council under Section 3 above shall undertake such studies and work as may be necessary to draft a new General Plan which will be processed as set forth in Section 5, below, taking into consideration the development of urban growth boundaries to encourage smart growth within the urban growth boundary by promoting infill development and discouraging urban sprawl by providing mixed use of commercial, retail, education, recreation and housing. The Commission shall prepare and recommend a plan for the acquisition of ridgeline areas and agricultural lands contiguous to the City of San Ramon to be preserved for open space purposes in perpetuity. The work of the commission shall be pursued expeditiously so that the General Plan drafted by the commission may be submitted to the voters prior to expiration

of the two year period established under Section 7 of this ordinance.

Section 5. Voter Approval.

The General Plan recommended by the, commission shall be forwarded to the Planning Commission and City Council for the sole purpose of conducting environmental review of the Plan pursuant to the California Environmental Quality Act (Public Resources Code §21000 et seq.). Upon completion of environmental review the General Plan, as drafted by the General Plan Review Commission, shall be submitted to the voters at either a special or regular municipal election. The new General Plan shall not become effective unless approved by the voters.

Section 6. Subsequent Amendment of General Plan.

The General Plan adopted pursuant to Section 5 may only be amended by a 4/5 vote of the City Council after a recommendation in favor of such amendment is made by a 4/5 vote of the Planning Commission. Neither the City Council nor the Planning Commission shall so vote until they have held at least three public hearings respectively. The action taken by the Planning Commission and the City Council must be supported by a finding that the proposed amendment is consistent with the general principles and objectives of the General Plan and such other findings as are appropriate.

Section 7. Moratorium Provisions.

For a period of two years from the effective date of this ordinance or upon voter approval of the new General Plan, whichever occurs first, neither the General Plan nor the Zoning Ordinance of the City of San Ramon may be amended.

Section 8. Severability.

If any portion of this initiative ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall remain valid and enforceable. In the event the City Council can cure any such deficiency in a manner consistent with the intent of this ordinance, the Council shall take whatever action may be necessary to cure the defect.

Section 9. Effective Date.

This initiative ordinance shall be effective as of the earliest date allowed by law.

Section 10. Conflicting Measures.

There is a clear conflict between this initiative ordinance and the CAPP Initiative entitled "Initiative Measure Amending the General Plan and Requiring Approval of Various Land Use Decisions". If both measures are approved on November 2, 1999, the measure receiving the greater number of affirmative votes shall supersede the other measure. No provision of the superseded measure shall be implemented or enforced.